

### **DETAILED ACTION**

1. This Office Action is in response to the amendment filed on 02/17/2011.

Claims 1-3, 5-10, 12-23 are currently pending.

### ***Response to Arguments***

2. Applicant's arguments filed 02/17/2011 have been fully considered but they are not persuasive.

Furthermore, the examiner must give each claim its broadest reasonable interpretation.

Remarks, pages 3, fifth paragraph to last paragraph: Applicant argues that Sammarco does not disclose or suggest "connection to active cellular networks."

The Examiner disagrees because the combination of Sammarco, a Château and Nave was used to show connection to networks, in Sammarco, Figure 5, # 130, the system gains information about networks in the surroundings, thus, looks for connection to different networks. Applicant further argues that scanning for such system is not equivalent to "active connection." The examiner respectfully disagrees because the scanning, which is searching for different systems or networks in the surroundings, the device must be doing some connection to such networks in order to search for them, thus there is active connection or live connection (i.e., GSM and IS-136, par. 18).

Remarks, pages 4, last two paragraphs: The Applicant makes similar arguments as on page 3; however, for the same reasons outlined above, the Examiner respectfully disagrees.

Remarks, page 5, first paragraph and last paragraph: The Applicant argues that Chitrapu does not disclose “deciding to allow new connection to one of the currently active network system based on factors.”

The Examiner disagrees because the combination teaches information about combinations of different connections allowed by each currently active systems (Chitrapu, Figure 2, #'s 14a, 22, 24, Figure 4, #'s s2, s4 and pars. 15-17). Furthermore, it should be noted that Sammarco has not been applied alone to meet the argued limitation. It is the combination of Sammarco, Chitrapu and Nave what meets the argued limitation.

Remarks, page 6, middle and last two paragraphs:

The Applicant argues that Nave (the combination) does not disclose “providing” information about number of connections in use.”

The Examiner disagrees because the combination of Sammarco, Chitrapu and Nave discloses information which relates to connections in progress or in use wherein different devices are connected at the same time (Nave, col. 4, lines 20-65 – col. 5, lines 14-44).

The Applicant makes similar arguments through page 7 to remarks on pages 3-4; however, for the same reasons outlined above in regards to page 3-4, the Examiner respectfully disagrees. In addition, it should be noted that Sammarco has not been applied alone to meet the argued limitation. It is the combination of Sammarco, Chitrapu and Nave what meets the argued limitation.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1- 3, 6-10, 13-21, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sammarco (2004/0121781) in view of Chitrapu (US 20040092265) in view of Nave et al (7,324,810).

Regarding claim 1, Sammarco discloses a device obtaining information about one currently active cellular network system to which the device has one active connection for respective connected applications hosted by the device (Figure 5, # 130, scans for alternate communication systems; thus, gains information about other systems; par, 16, describes the multi-mode terminal with at least two types of warless systems, i.e., GSM and IS-136; par. 18, provides connections to two or more warless protocols with different applications); and deciding whether to allow establishing a new connection to one of the currently active cellular network systems on behalf of another application hosted by the device (pars. 20-23, establishes connection to one or the other system based on the availability of services (i.e., reads on application, as the "application" does not exclude handoff (i.e., an application), thus, availability of services in respective areas on a system ca be read as an application).

Although Sammarco teaches connection to active cellular networks, Sammarco does not specifically suggest based on factors including the information about currently

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active network systems. Chitrapu, however, discloses information about combinations of different connections allowed by each currently active network system (Fig. 2, #'s 14a, 22, 24, Fig. 4, #'s s2, s4; par. 15, lines 1-12; pars. 16-17).

Sammarco and Chitrapu are analogous art because they are from a similar field of endeavor in providing connection to devices by providing connection to different systems. Thus, it would have obvious to one of skilled in the art at the time of the invention to modify the teaching of Sammarco with information about combinations of different connections allowed taught by Chitrapu in order that the device would generate indication of changing to a different system based on information that is appropriate for continuing the connection for more efficient and accurate communication.

Sammarco and Chitrapu do not explicitly teach wherein the information includes at least the number and type of connections currently in use. Nave, however, teaches broadcasting of data to large number of users with electronic devices that have simultaneous connections (col.4, lines 20-65; col. 5, lines 14-44).

Sammarco, Chitrapu, and Nave are analogous art because they are from a similar field of endeavor in providing connections to several systems and providing information or data to several devices via wireless connections. Thus, it would have been obvious to one of skilled in the art at the time of the invention to modify the teachings of Sammarco in view of Chitrapu with the feature connecting devices in simultaneous manner taught by Nave in order to provide means to detect amount of traffic or load within the system and provide a load balancing scheme.

Regarding claim 2, the combination discloses, wherein the information about currently active cellular network systems includes information about combinations of different kinds of connections allowed by each currently active cellular network system (Chitrapu, col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

Regarding claim 3, the combination discloses, wherein the factors also include information about connections currently in use or wherein the information about currently active cellular network systems includes information about connections currently in use (Chitrapu, pars. 16-17, par. 22, lines 5-13).

Regarding claim 6, the combination discloses the factors also include the maximum amount of concurrent packet switched data allowed by the connections currently in use (Chitrapu, pars. 16-17, par. 22).

Regarding claim 7, the combination discloses the active cellular network systems include at least a GSM network, a WCDMA network, or a CDMA2000 network (Chitrapu, Fig. 3, includes GSM cellular system, # 26).

Claim 8 contains subject matter similar to claim 1, and thus, is rejected under similar rationale. Sammarco, par, 17, teaches communication with GSM to receive and transmit data signaling.

Claim 9 contains subject matter similar to claim 2, and thus, is rejected under similar rationale.

Claim 10 contains subject matter similar to claim 3, and thus, is rejected under similar rationale.

Claim 13 contains subject matter similar to claim 6, and thus, is rejected under similar rationale.

Claim 14 contains subject matter similar to claim 7, and thus, is rejected under similar rationale.

Regarding claim 15, the combination discloses claim 8, further comprising a cellular network information server, responsive to a request to provide the information about currently active cellular network systems, for providing such information (Sammarco, pars. 19-22, describe scanning for cellular systems available).

Claim 16 contains subject matter similar to claims 1 and 8, and thus, is rejected under similar rationale. Sammarco further teaches pars. 29-31 with switching means to include programming in order to instruct changing scan for wireless systems and switch to one or the other.

Regarding claim 17, the combination discloses readable storage structure embodying computer program code thereon for execution by a computer processor in a telecommunication terminal, wherein said computer program code includes instructions for performing the method of claim 5 (Sammarco, pars. 20-23, establishes connection to one or the other system based on the availability of services).

Regarding claim 18, the combination discloses embodying computer program code thereon for execution by a computer processor in a telecommunication terminal, with said computer program code characterized in that it includes instructions for performing the steps (Chitrapu, par. 23, and lines 1-15).

Regarding claim 19, the combination discloses comprising an operator network having at least one cellular system, and also comprising a mobile terminal including an apparatus as in claim 8 (Sammarco, Figure 1, #'s 10, 20).

Claim 20 contains subject matter similar to claim 19, and thus, is rejected under similar rationale.

Claim 21 contains subject matter similar to claim 8, and thus, is rejected under similar rationale.

Regarding claim 23, the combination discloses mobile terminal (Sammarco, Figure 1, \$ 10), comprising: an apparatus as in claim 8; and means for wirelessly communicating with the one or more currently active cellular communication systems (Figure 1, #'s 10, 20 or 30, communicates with GSM or IS-135).

### ***Allowable Subject Matter***

5. Claims 5, 12, 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art, either singularly or in combination, teach or fairly suggest wherein the application and the resource manager configured to make a request of the communication device to establish the network connection and including in the request an identifier for the application, wherein the information about connections currently in use includes identifiers for applications using the connections currently in use, and further wherein the factors also include the

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identifier for the application and the identifiers for applications using the connections currently in use.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JULIO PEREZ whose telephone number is (571)272-7846. The examiner can normally be reached on 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICK EDOUARD can be reached on (571)272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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4/7/2011

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Examiner, Art Unit 2617

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